
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the European Organization for Astronomical Research in the Southern Hemisphere and the European Space Agency (Immunities and Privileges) (Amendment) Order 2018 (S.I. 2018/787) (“the 2018 Order”).

The 2018 Order, was intended to, amongst other things, enable His Majesty’s Government to give effect to its obligations relating to privileges and immunities under the Agreement between the United Kingdom and the European Space Agency (“ESA”) concerning the ESA’s Sites and Facilities in the United Kingdom signed in Glasgow on 16th July 2013 (“the Agreement”). The Agreement provides for the establishment and operation of an ESA centre at the Harwell Science and Innovation Campus.

Article 4(2) of the 2018 Order amended article 15 of the European Space Agency (Immunities and Privileges) Order 1978 (S.I. 1978/1105) (“the 1978 Order”) to include the Head of the Harwell Centre as a high officer. It also provides that up to seven high-ranking officials, in addition to the Director General and the Head of the Harwell Centre, are high officers but limits their privileges and immunities so that they do not have immunity from suit and legal process (except in relation to things done in the exercise of their functions) or inviolability of their residence.

These limitations regarding immunity from suit and legal process and inviolability of residence were inconsistent with the obligations set out in the Agreement. Furthermore, the Order neglected to except those immunities in relation to motor traffic offences, which was also set out in the Agreement. As such, this Order amends the 2018 Order to ensure that those high officers enjoy the same privileges and immunities as diplomatic agents, with the exception of motor traffic offences, thus giving full effect to the Agreement.

An Impact Assessment has not been prepared for this Order as no, or no significant, impact is foreseen on the private, voluntary or public sectors in the United Kingdom.